BEFORE THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Appeal No. 9 *of* 1905-06.

Appellant	*Versus*	*Respondent*
Boregowda, son of Boregowda of Sambunahalli village, French Rocks Sub-Taluk		Marigowda, son of Chikkegowda.

Subject.

Appeal against the order of the Deputy Commissioner of the Mysore District, directing the registry of the pateli baraward of Sambunahalli village in the French Rocks Sub-Taluk, in the name of the respondent.

The facts of the case appear sufficiently from the following :—

Decision.

One Chennegowda and Boregowda were brothers. The pateli of the village in question appears to have originally stood in their joint names while the duties thereof were being performed by one Chikkegowda, the son of the former. Chennegowda was the first to die. Chikkegowda and Boregowda next died about the same time, that is, in the year 1877-78. The respondent Marigowda, the son of Chikkegowda, has since been in sole possession and enjoyment of the office. Appellant Boregowda is the son of the joint barawardar Boregowda. He was a minor when his father died. But he preferred no claim to the office for some fourteen years after the attainment by him of his majority. Neither he nor his father was thus ever in possession. In 1902, the respondent applied that, as he was a sickly person, the office might be transferred to a son of his named Bora. This led to an enquiry in the course of which the appellant for the first time set up a title of his own on the ground of his father having once been a joint barawardar. The Deputy Commissioner declined to recognise this title, nor did he consider a transfer from the respondent to his son really called for. The office has thus been formally registered in the name of the respondent who, as already observed, has held it continuously and without interruption for nearly thirty years past. The appellant is only a hissedar, being a member of the younger branch of the family. He cannot successfully claim possession either jointly with the respondent or to his exclusion. The village moreover is too small for two patels. Nor, again, do the circumstances of the case warrant an arrangement involving retatory performance of the duties of the office by both the parties. For these reasons, Government have no hesitation in holding that the Deputy Commissioner has arrived at a correct decision and that there are no grounds for any interference therewith.

The appeal fails and is accordingly rejected.

No. R. 9081—*R. M.* 749-04-4, *dated 3rd January* 1906.

Copy of the above is forwarded to the Deputy Commissioner of the Mysore District, together with the records received with his letter No. 37, dated the 12th July 1905.

Appeal No. 35 *of* 1905-06.

Appellant	*Versus*	*Respondent*
Lakshmegowda		Hutchegowda.

Subject.

Claim to the pateli office (Municipal Section) of Kasaba Nagamangala.

The facts of the case appear sufficiently from the following decision :—

Decision.

The parties appear to belong to the same family, the respondent being the grandson of the first and the appellant, the grandson of the second, sons of a common ancestor by name Mudde Gowda. The appellant's grandfather Kempe Gowda held the office of patel of Nagamangala from 1867 to 1874, when on his death he was succeeded by one of his sons, Lakshmana, with the consent of his other son Mudda. On Lakshmana's demise in 1884 his son, the present appellant, was appointed to the office in 1884. Owing to the appellant's minority his uncle, the above named Mudda, was first appointed his gumasta, and on the latter's death and shortly after the gumastaship was conferred on the respondent who, both then and on several subsequent occasions, the last being in 1893, agreed to hold the office on behalf of the appellant and to surrender the same to him on his attaining majority. The appellant having recently ceased to be a minor claimed possession of the office from the respondent. The latter, however, resisted the claim on the ground that being a descendant of the elder branch of the family, he could not be superseded in favor of the appellant who belonged to the junior branch of it. He further contended that in any case, the village being a large one, he should be left in undisturbed possession of a portion of the pateli duties appertaining thereto, namely the Municipal and cattle-pound sections thereof. The Sub-Division Officer rejected the respondent's contention and directed that the pateli should revert *in toto* to the appellant who was the barawardar while the respondent was only his gumasta. In appeal, the Deputy Commissioner while recognizing the appellant's title, held that the village was too big a charge for a single individual and that therefore the respondent's alternative contention should be allowed. Hence this appeal.

2. Government are of opinion that the order made by the Deputy Commissioner is erroneous and unsustainable. It is now unnecessary to go into the question why in the remote past, the office came to be held by the members of the younger branch in preference to those of the